

LORDS AMENDMENTS

TO THE

GOVERNMENT OF IRELAND BILL.

[NOTE.—The page and line refer to Bill (197, as first printed by the Lords.)]

Page 1.

Line 9, after ("Majesty") insert ("the Senate of Southern
" Ireland")

Line 12, after ("Majesty") insert ("the Senate of Northern
" Ireland")

Page 2.

Line 1, leave out from ("administered") to the end of the
clause, and insert:

there shall be constituted, as soon as may be after the appointed
day, a Council to be called the Council of Ireland.

(2) Subject as hereinafter provided the Council of Ireland
shall consist of the Lord Chancellor of Ireland who shall be
President and forty other persons, of whom seven shall be
members of the Senate of Southern Ireland, thirteen shall be
members of the House of Commons of Southern Ireland, seven
shall be members of the Senate of Northern Ireland, and thirteen
shall be members of the House of Commons of Northern
Ireland.

The members of the Council of Ireland shall be elected
in each case by the members of that House of the Parliament
of Southern Ireland or Northern Ireland of which they are
members, and at any contested election for two or more members
of the Council of Ireland the election shall be according to the
principle of proportional representation, each elector having one
transferable vote as defined by the Representation of the People
Act, 1918, and His Majesty in Council shall have the same

[Bill 264]

A

Page 2.

power of making regulations in respect thereto as he has under subsection (3) of section twenty of that Act, and that subsection shall apply accordingly.

The election of members of the Council of Ireland shall be the first business of the Senates and Houses of Commons of Southern Ireland and Northern Ireland.

A member of the Council shall, on ceasing to be a member of that House of the Parliament of Southern Ireland or Northern Ireland by which he was elected a member of the Council, cease to be a member of the Council :

Provided that on the dissolution of the Parliament of Southern Ireland or Northern Ireland the persons who are members of the Council elected by either House of that Parliament shall continue to hold office as members of the Council until the date of the first meeting of the new Parliament and shall then retire unless re-elected.

The President of the Council shall preside at each meeting of the Council at which he is present and shall be entitled to vote in case of an equality of votes, but not otherwise.

The first meeting of the Council shall be held at such time and place as may be appointed by the Lord Lieutenant.

The Council may act notwithstanding a vacancy in their number, and the quorum of the Council shall be fifteen; subject as aforesaid the Council may regulate their own procedure, including the delegation of powers to committees.

(3) The constitution of the Council of Ireland may from time to time be varied by identical Acts passed by the Parliament of Southern Ireland and the Parliament of Northern Ireland, and the Acts may provide for all or any of the members of the Council of Ireland being elected by parliamentary electors, and determine the constituencies by which the several elective members are to be returned and the number of the members to be returned by the several constituencies and the method of election.

Page 3.

Line 1, leave out clause 3.

Line 40, after the second (" of ") insert (" the House of
" Commons of ")

Page 4.

Line 9, leave out from (" and ") to the first (" the ") in line 10.

Page 6.

Line 28, after (" notes ") insert (" except so far as negotiable
 " instruments may be affected by the exercise of the powers
 " of taxation given to the said Parliaments ")

Page 7.

Line 18, after (" property ") insert (" or take any private
 " property for public use without just compensation ")

Page 8.

Line 7, leave out clause 8 and insert clause A.

—(1) The Council of Ireland shall have power to make orders with respect to matters affecting interests both in Southern Ireland and Northern Ireland, in any case where the matter—

Powers of
 Council of
 Ireland to
 make orders
 respecting
 private Bill
 legislation
 for whole of
 Ireland.

(a) is of such a nature that if it had affected interests in one of those areas only it would have been within the powers of the Parliament for that area; and

(b) is a matter to effect which, it would, apart from this provision, have been necessary to apply to the Parliament of the United Kingdom by petition for leave to bring in a private Bill.

(2) The provisions contained in the First Schedule to this Act shall have effect with respect to the procedure for making such orders.

(3) Any order so made by the Council of Ireland under this section shall be presented to the Lord Lieutenant for His Majesty's assent, in like manner as a Bill passed by the Senate and House of Commons of Southern Ireland or Northern Ireland, and, on such assent being given, the order shall have effect in Southern and Northern Ireland respectively, as if enacted by the Parliament of Southern Ireland or Northern Ireland, as the case may be.

Page 11.

Line 30, after paragraph (c) insert (" (d) the registration of
 " deeds and ")

[Bill 264]

A 2

Page 13.

Line 19, after (" fisheries ") insert (" and the administration of
" the Diseases of Animals Acts ")

Line 22, after (" fisheries ") insert (" and the contagious
" diseases of animals ")

Line 23, after (" fisheries ") insert (" and the contagious
" diseases of animals ")

Page 14.

Line 25, after (" the ") insert (" Senate and ")

Page 16.

Line 2, after (" the ") insert (" Senate and ")

Line 3, after (" the ") insert (" Senate and ")

Line 14, after clause 13, insert clause B.

Constitution
of Senate. —(1) The Senate of Southern Ireland shall be constituted
as provided in the Second Schedule to this Act.

(2) The Senate of Northern Ireland shall be constituted as
provided in the Third Schedule to this Act.

(3) The provisions contained in the Fourth Schedule to this
Act shall have effect with respect to the nomination, election
and term of office of members of the Senates of Southern
Ireland and Northern Ireland.

Line 17, leave out (" second ") and insert (" fifth ")

Line 23, leave out (" second ") and insert (" fifth ")

Page 17.

Line 1, leave out (" three ") and insert (" six ")

Line 22, after (" the ") insert (" Senate and ")

Line 24, at beginning insert:

(1) Bills imposing taxation or appropriating revenue or
moneys shall originate only in the House of Commons of Southern
Ireland or Northern Ireland. But a Bill shall not be taken to
impose taxation or to appropriate revenue or moneys by reason only
of its containing provisions for the imposition or appropriation of
fines or other pecuniary penalties or for the payment or appropriation
of fees for licences or fees for services under the Bill.

Page 17.

Line 30, after ("proposed") insert :

(3) The Senate of Southern Ireland or Northern Ireland may not amend any Bills so far as they impose taxation or appropriate revenue or moneys for the services of the Government of Southern Ireland or Northern Ireland, or for services administered by the Council of Ireland and may not amend any Bill so as to increase any proposed charges or burdens on the people.

(4) Any Bill which appropriates revenue or moneys for the ordinary annual services of the Government of Southern Ireland or Northern Ireland, or services administered by the Council of Ireland, shall deal only with that appropriation.

Line 30, at end insert clause C.

—(1) If the House of Commons of Southern Ireland or Northern Ireland pass any public Bill, which is sent up to the Senate of Southern Ireland or Northern Ireland at least one month before the end of the Session and the Senate of Southern or Northern Ireland rejects or fails to pass it or passes it with amendments to which the House of Commons will not agree, and if the House of Commons in the next Session again passes the Bill with or without any amendments which have been made or agreed to by the Senate, and the Senate rejects or fails to pass it or passes it with amendments to which the House of Commons will not agree, the Lord Lieutenant may, during that Session, convene a joint sitting of the members of such two Houses.

Procedure in cases of disagreement between the House of Commons and Senate in either part of Ireland.

(2) The members present at any such joint Session may deliberate and shall vote together upon the Bill as last proposed by the House of Commons and upon amendments, if any, which have been made therein by one House and not agreed to by the other, and any such amendments which are affirmed by a majority of the total number of members of such two Houses present at such sitting shall be taken to have been carried.

(3) If the Bill with the amendments, if any, so taken to have been carried is affirmed by a majority of the total number of members of the two Houses present at such sitting it shall be taken to have been duly passed by both Houses.

Provided that, if the Senate of Southern Ireland or Northern Ireland shall reject or fail to pass any Bill dealing with the imposition of taxation or the appropriation of revenue or moneys

Page 17.

for the public service, such joint sitting may be convened during the same session in which the Senate so rejects or fails to pass such Bill.

Line 31, after (" the ") insert (" Senate and ")

Line 32, after (" the ") insert (" Senate and ")

Line 42, after (" shall ") insert (" save as otherwise provided by this Act ")

Page 18.

Line 1, after the second (" the ") insert (" Senate and ")

Line 2, after (" the ") insert (" Senate and ")

Line 5, after (" the ") insert (" Senate or ")

Line 6, after (" the ") insert (" Senate or ")

Line 8, after subsection (3), insert :

(4) A member of the House of Commons of Southern Ireland or Northern Ireland shall be incapable of being chosen or elected or of sitting as a member of the Senate of Southern Ireland or Northern Ireland, and a member of the Senate of Southern Ireland or Northern Ireland shall be incapable of being chosen or elected or of sitting as a member of the House of Commons of Southern Ireland or Northern Ireland; but a Minister of Southern Ireland or Northern Ireland who is a member of either House of the Parliament of Southern Ireland or Northern Ireland shall have the right to sit and speak in both Houses, but shall vote only in the House of which he is a member.

Line 9, after (" the ") insert (" Senate or ")

Line 16, after (" the ") insert (" Council of Ireland or the " Senate or ")

Line 23, after (" the ") insert (" Senate or ")

Line 40, leave out (" second ") and insert (" fifth ")

Page 19.

Line 17, leave out (" second ") and insert (" fifth ")

Page 22.

Line 24, leave out (" third ") and insert (" sixth ")

Page 24.

Line 43, leave out from ("power") to ("individuals") in page 25, line 1, and insert ("to grant relief from income tax and super-tax or either of those taxes")

Page 25.

Line 3, leave out from ("respectively") to the end of line 5.

Line 6, leave out ("or the relief") and insert ("and such relief may be")

Line 7, leave out ("exceeds or")

Line 8, leave out ("imposing the tax or")

Line 9, leave out from ("relief") to the end of subsection (1).

Line 12, leave out subsection (2).

Line 22, leave out ("the levying and collection of any such surtax and")

Line 25, leave out ("the proceeds of the surtax shall be paid into and")

Line 32, leave out ("levy and collect such surtax or")

Line 35, leave out ("collected or")

Line 36, leave out ("collected or")

Page 32.

Line 16, leave out ("or the House")

Page 33.

Line 37, leave out ("fourth") and insert ("seventh")

Page 37.

Line 28, leave out ("fourth") and insert ("seventh")

Line 30, after ("Ireland") insert ("including officers attached to that court")

Line 31, leave out ("and solicitors") and insert ("solicitors and solicitors' apprentices")

Line 34, leave out ("including the registration of deeds")

Page 38.

Line 3, leave out ("or the House")

Page 38.

Line 23, leave out ("the House of Commons") and insert ("both Houses")

Page 40.

Line 35, after clause 51 insert clause D. :

Finality of
decisions of
the House of
Lords and
Judicial
Committee.

. Any decision of the House of Lords or of the Judicial Committee of the Privy Council as to the validity of any law made by or having the effect of an Act of the Parliament of Southern Ireland or Northern Ireland, and any decision of the Judicial Committee of the Privy Council on any other question of law which is to be determined by the Judicial Committee of the Privy Council under this Act shall be final and conclusive and binding upon all Courts.

Page 41.

Line 27, after ("including") insert ("clerks of the Crown and
"Peace and")

Page 43.

Line 2, leave out ("fifth") and insert ("eighth")

Page 47.

Line 26, leave out ("sixth") and insert ("ninth")

Page 55.

Line 35, leave out ("second") and insert ("fifth")

After clause 69 insert new clause E. :

Certificate
of Speaker
with regard
to Irish
members of
the House
of Commons.

—(1) On the passing of this Act the Speaker of the House of Commons of the United Kingdom shall communicate with the members returned by constituencies in Southern Ireland and in Northern Ireland respectively to serve in the Parliament of the United Kingdom, and shall invite them to state whether they accept the constitution established under this Act. Such acceptance shall be signified in writing to the Speaker and certified by him to the House of Commons for record in the proceedings of that House.

(2) If within two months after the date of such communication by the Speaker, such acceptance is certified by the Speaker as regards a majority of such members returned by constituencies in Southern Ireland or Northern Ireland, this Act shall come into operation on the appointed day in manner and subject as

Page 55.

provided by this Act, but, if at the end of the said period, a certificate has been given by the Speaker as regards a majority of the members so returned by constituencies in one part of Ireland, but not as regards a majority of the members so returned by constituencies for the other part of Ireland, His Majesty in Council may by order provide for the exercise of the powers of the Government of the other part of Ireland by the Lord Lieutenant with the assistance of a Committee consisting of such persons (who shall be members of the Privy Council of Ireland) as His Majesty may appoint for the purpose and of the powers of the Parliament of such part of Ireland by a legislative assembly consisting of the members of the said Committee, together with such other persons as His Majesty may appoint for the purpose. And the Order may make such modifications in this Act in its application to the part of Ireland affected as may appear to His Majesty to be necessary for giving effect to the Order and may contain such other consequential, incidental and supplemental provisions as may appear necessary for the purposes of the Order and any such Order shall have effect as if enacted in this Act, but may be varied by any subsequent Order in Council:

(3) Provided that after the appointed day has been duly fixed under this Act for the part of Ireland in respect of which such acceptance has not been certified by the Speaker and at any time within two years after the passing of this Act His Majesty may issue a Proclamation for summoning a Parliament to meet for that part of Ireland, but unless the Lord Lieutenant, within one month of the date for which such Parliament was summoned to meet, certifies that a majority of the members of the House of Commons of that Parliament have signified in writing to him that they accept the constitution established under this Act, His Majesty in Council may provide for the dissolution of that Parliament, and the provisions of the second subsection of this section in regard to the exercise of the powers of the Government and Parliament of the part of Ireland affected shall have effect.

Line 38, leave out clause 70.

Page 57.

Line 9, leave out from the first ("day") to the end of line 29, and insert:

(2) With the intent that the Parliaments of Southern Ireland and Northern Ireland shall not be established until

[Bill 264]

B

Page 57.

the Parliament of the United Kingdom is satisfied that the authority of His Majesty the King in Southern Ireland and in Northern Ireland respectively, and the protection in their rights and liberties of all persons in Southern Ireland and Northern Ireland respectively are fully assured and that otherwise it is expedient that the said Parliaments, or either of them should be established in Ireland, the appointed day for the purposes of this Act shall be such day as regards Southern Ireland and such day as regards Northern Ireland as may be respectively fixed by a resolution or resolutions, as the case may be, passed by both Houses of the Parliament of the United Kingdom, and by such resolution different days may be appointed for different purposes and different provisions of this Act in its application to the part of Ireland affected by the resolution.

(3) In the event of the appointed day being fixed for Southern Ireland only, or for Northern Ireland only, or being fixed at different times by different resolutions under this section, His Majesty may, by Order in Council, make such modifications in the provisions of this Act in its application to the part of Ireland affected by a resolution under this section as may appear to His Majesty to be necessary for giving effect to the said provisions in such part, and such Order may contain such other consequential, incidental and supplemental provisions as may appear necessary for the purposes of the Order, and any such Order shall have effect as if enacted in this Act, but may be varied by any subsequent Order in Council.

(4) Before any Order under this section is submitted to His Majesty in Council a draft thereof shall be laid before both Houses of the Parliament of the United Kingdom, and, if an address is presented to His Majesty by either of those Houses within thirty days on which that House has sat next after any such draft is laid before it against such draft or any part thereof, no further proceedings shall be taken on the draft or the part thereof to which the address relates; but this provision shall be without prejudice to the making of a new draft.

Page 59.

Line 38, after (" repealed ") insert (" as from the passing of this Act ")

Page 61.

Line 20, at end insert the following new schedules

SECOND SCHEDULE.

COMPOSITION OF SENATE OF SOUTHERN IRELAND.

PART I.

Offices entitling holders to be Senators:

The Lord Chancellor of Ireland ;

The Lord Mayor of Dublin ;

The Lord Mayor of Cork.

PART II.

Nominated Senators.

	Number of Senators.
Representatives of Commerce (including Banking), Labour, and the Scientific and Learned Professions to be nominated by the Lord Lieutenant.	17

PART III.
ELECTED SENATORS.

Description of Senators.	Number of Senators.	Electors.
Archbishops or Bishops of the Roman Catholic Church holding Sees situate wholly or partly in Southern Ireland.	4	The Archbishops and Bishops of the Roman Catholic Church holding Sees situated wholly or partly in Southern Ireland.
Archbishops or Bishops of the Church of Ireland holding Sees situated wholly or partly in Southern Ireland.	2	The Archbishops and Bishops of the Church of Ireland holding Sees situated wholly or partly in Southern Ireland.
Peers who are taxpayers or ratepayers in respect of property in and have residences in Southern Ireland.	16	The Peers who are taxpayers or ratepayers in respect of property in and have residences in Southern Ireland.
Members of His Majesty's Privy Council in Ireland of not less than two years standing who are taxpayers or ratepayers in respect of property in and have residences in Southern Ireland.	8	The Members of His Majesty's Privy Council in Ireland who are taxpayers or ratepayers in respect of property in and have residences in Southern Ireland.
Representatives of County Councils in Leinster - - - - 4 Munster - - - - 4 Connaught - - - - 4 Co. Donegal - - - - 2 Co. Monaghan - - - - 2 Co. Cavan - - - - 2	} 14	{ By the Members of County Councils voting together as Provinces.

THIRD SCHEDULE.

COMPOSITION OF SENATE OF NORTHERN IRELAND.

PART I.

Offices entitling holders to be Senators :

The Lord Mayor of Belfast ;

The Mayor of Londonderry.

PART II.

ELECTED SENATORS.

Twenty-four senators to be elected by the members of the House of Commons of Northern Ireland in such manner as that House may determine.

FOURTH SCHEDULE.

PROVISIONS WITH RESPECT TO THE NOMINATION ELECTION
AND TERM OF OFFICE OF SENATORS.

1. His Majesty may by Orders in Council make such provisions as may appear necessary or proper with respect to the election of senators and in particular with respect to the making and keeping of lists of the electors specified in the third part of the Second Schedule, the issue of writs, the modes of service and the returns to be made to such writs.

2.—(a) The term of office of every elected member of the Senate of Northern Ireland shall be eight years.

(b) With respect to the members of the Senate of Southern Ireland the term of office of every nominated senator, and of every elected senator (other than senators elected by members of County Councils) shall be ten years, and the term of office of a senator elected by members of county councils shall be three years. Provided that, where a particular qualification is required under Part III. of the Second Schedule for a senator to be elected by any of the classes of electors specified in that part of the said Schedule, such a senator shall cease to hold office on ceasing to have that qualification. The disqualification of persons in Holy Orders shall not apply in respect of any Archbishop or Bishop of the Roman Catholic Church or Church of Ireland elected as a senator of the appropriate class.

Page 61.

(c) The term of office of a senator shall not be affected by a dissolution of the Parliament of Southern Ireland or Northern Ireland.

(d) Senators shall retire at the end of their term of office and their seats shall be filled by new elections.

3. If the place of an elected senator becomes vacant before the expiration of his term of office by death, resignation, incapacity, or otherwise, the Lord Lieutenant shall cause a writ or writs to be issued for the election by the body by whom such senator was elected of a senator in his place, and if the place of a nominated senator so becomes vacant, the Lord Lieutenant shall nominate a new senator in his place, but any senator so elected or nominated to fill a casual vacancy, shall hold office only so long as the senator in whose stead he is elected or nominated would have held office.

4. At any contested election of five or more members of the Senate of Southern Ireland, the election shall be according to the principle of proportional representation, each elector having one transferable vote as defined by the Representation of the People Act, 1918, and His Majesty in Council shall have the same power of making regulations in respect thereto as he has under subsection (3) of section twenty of that Act and that subsection shall apply accordingly.

Page 67.

Line 7, after paragraph (b) insert the following new paragraph :

(c) The existing Lord Chief Justice of Ireland, if he becomes Lord Chief Justice of Southern Ireland, shall, so long as he holds that office, be entitled to retain the rank and title of Lord Chief Justice of Ireland, and to exercise any jurisdiction in respect of and on behalf of His Majesty as a visitor to any college or other charitable foundation exercisable by him on the appointed day.

Leave out line 19, and insert ("the officers employed in his
" office")